IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 27760 of 2004(D)

PETITIONER:

RAJANIMOL.P.N.,
TYPIST, HANTEX, ERNAKULAM,
PARAYAN KARIYIL HOUSE,
ATHIRAMPUZHA P.O., KOTTAYAM.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY TO GOVERNMENT,
   INDUSTRIES DEPARTMENT,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. **DIRECTOR OF HANDLOOMS & TEXTILES,**
   THIRUVANANTHAPURAM.

3. **KERALA STATE HANDLOOM WEAVERS**
   CO-OPERATIVE SOCIETY LTD.,
   (HANTEX), THIRUVANANTHAPURAM,
   REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.M.K.CHANDRA MOHANDAS for R3
SRI.SUDHEER GANESH KUMAR.R.
SRI.B.PREMOD
BY GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007 ALONG WITH WPC NO. 1824 OF 2005 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.27760/2004 D

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT DTD. 12/01/2004 IN O.P.NO.30480/1999(C) OF THIS HON'BLE COURT.**

EXT.P2: **COPY OF THE JUDGMENT DTD. 17/06/1999 IN W.A.NO.2052 OF 1997 (O.P.NO.4329 OF 1992) OF THIS HON'BLE COURT.**

EXT.P3: **COPY OF THE ORDER NO.C1/2494/2004 DTD. 17/06/2004 OF THE 2ND RESPONDENT.**

EXT.P4: **COPY OF THE ORDER NO.A3/DW/3034/2000 DTD. 29/07/2004 OF THE 3RD RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).Nos.19565, 26821, 27576,
27760, 28340, 28645, 29253,
29389 & 29907 OF 2004
& 1824 OF 2005

Dated this the 18th day of July, 2007

JUDGMENT

The question raised for decision in all these cases is as to whether the petitioners are entitled to have their services with the Kerala State Handloom Weavers' Cooperative Society regularised. By judgment dated 17.6.1999 in W.A.No.2052/97 and 2053/97, the Division Bench of this Court recorded the undertaking on behalf of the said institution, that the case of the appellants in those cases will be taken up and regularisation extended. If the petitioners in these matters are similarly placed to the beneficiaries of those appeals which were disposed of by the aforesaid judgment, there is apparently no reason to refuse such relief to them also. Obviously, it was therefore, that directions were issued as per different judgments exhibited in these matters for consideration of the case of the petitioners.

2. In the mean while, the amendments made to the relevant legislations brought the recruitment to Co-operative Societies also within the umbrella of the Public Service Commission. The employer in this case is one of the societies to which that amendment of law applies. Therefore, the question of regularising the services of the petitioners had to be taken up by the PSC and if the PSC disagree, then the matter has to gain attention of the Government and decision has to follow on the basis of the views of the Government which will prevail. But the impugned decisions have been rendered without any such opinion of the Government being sought for by the Director of the society.

In the aforesaid circumstances, these writ petitions are allowed quashing the impugned orders and directing that the employer Kerala State Handloom Weavers' Co-operative Society will address the Government forthwith on the request of the petitioners and obtain decision of the Government in that regard and act accordingly. The Managing Director is directed to place

the case before the Government within a period of three months from the date of receipt of a copy of this judgment and the Government shall, thereafter, render its decision within a further period of six months. The petitioners will be permitted to continue in service on provisional basis, awaiting decision of the Government as directed above. It is further directed that the Government will extend to the petitioners an opportunity of being heard.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.